

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:11CR72
)	
Plaintiff,)	
)	JUDGE DAN AARON POLSTER
v.)	
)	
EDWARD GURARY,)	GOVERNMENT’S NINTH
)	UNOPPOSED MOTION TO
Defendant.)	<u>CONTINUE SENTENCING</u>

The United States respectfully moves the Court for a continuance of the sentencing in this case, which is presently scheduled for April 8, 2015, for the reasons stated below.

The principal reason for the continuance is the same as the prior requests, namely, to allow additional time before sentencing for the defendant to complete his plea agreement obligations, including his cooperation in other matters. Mr. Gurary currently resides in Switzerland and has agreed to travel back to Ohio for his sentencing, at which time the substantial bond he posted can be released for the purposes of paying the remainder of his FBAR penalty and restitution obligations.

At the time of his guilty plea, the plea agreement contemplated that the defendant's cooperation would require deferral of his sentence. The first sentence of paragraph 21 of the agreement reads:

Defendant and the Government Attorneys agree to recommend to the Court that the imposition of Defendant's sentence be deferred until such time as Defendant has completed any and all cooperation contemplated by this agreement, to include providing testimony at trial if necessary, provided that the Court modifies Defendant's conditions of release to permit him to travel to his home in Switzerland during such time.

The government continues to believe that Mr. Gurary will be a witness in the case of United States v. Alexander Krivozus, 1:14CR340, (Sept.23, 2014), for which there is currently a pre-trial conference scheduled on May 6, 2015, but no trial date. By the date of the pre-trial conference on May 6, 2015, the parties will be in a position to inform the Court whether a trial will be necessary to resolve the matter. In the event that a trial is necessary in the matter of U.S. v. Krivozus, then the government will ask the Court to schedule the sentencing hearing to follow the trial of Mr. Krivozus, so that Mr. Gurary's travel from Switzerland can be simplified.

Counsel for Mr. Gurary has advised the government that the defendant does not oppose this request to continue the sentencing.

CONCLUSION

For the foregoing reasons, the United States requests a ninth continuance of the sentencing. We request a continuance to a date to coincide with the trial date in U.S. v. Krivozus if a trial is indeed necessary. Further, we will notify the Court if any circumstances arise that would enable us to move the sentencing date forward to an earlier time.

Respectfully submitted,

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By: /s/ Robert J. Patton

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CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2015, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Robert J. Patton

Robert J. Patton
Assistant U.S. Attorney